

BILL ANALYSIS

Senate Research Center
77R263 GJH-D

H.B. 964
By: Dunnam (Sponsor Unknown)
Business & Commerce
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Engrossed

DIGEST AND PURPOSE

Currently, the medical records of a deceased patient may only be released with the written consent of a personal representative of the patient. With respect to probate, this provision is often being interpreted to mean a duly appointed independent executor or administrator of the patient's estate. It is possible that this interpretation may be used to prevent the family of a deceased patient from accessing the patient's records. H.B. 964 authorizes the release of a deceased patient's medical records at the consent of the patient's family.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 159.005(a), Occupations Code, to require a consent for the release of confidential information to be in writing and signed by a personal representative of the patient, including a representative appointed by a court to represent the estate of the patient, if the patient is deceased; a surviving spouse, parent, sibling, or adult child of the patient, if the patient is deceased; or a person acting on behalf of a surviving minor child of the patient, if the patient is deceased, including a managing conservator or an attorney representing the child.

SECTION 2. Effective date: September 1, 2001.